

OFFICE OF SPECIAL MASTERS

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Ruling on record; IPV, Varicella, Hepatitis A, DTP, Hib; type I diabetes mellituts.

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filed medical records, however, did not uncover any evidence that Sarah suffered a “Table Injury.” Furthermore, the records do not contain a medical expert’s opinion indicating that any of Sarah’s problems were related to the vaccine in question.

Under the statute, a petitioner may not be given a Program award based solely on the petitioner’s claims alone. Rather, the petition must be supported by either the medical records or by the opinion of a competent physician. 42 U.S.C. § 300aa-13(a)(1). Here, because the medical records do not seem to support the petitioners’ claims, a medical opinion must be offered in support. Petitioners, however, offered no such opinion.

During a status conference conducted on March 9, 2010, petitioners requested a ruling on the record, and acknowledging that they have been unable to secure an expert report. The court hereby grants petitioners’ motion for ruling on the record and makes its decision based on the written filings. Vaccine Rule 8(d).

Under the law, compensation may only be awarded when a medical condition either falls within one of the “Table Injury” categories, or is shown by competent medical opinion to be vaccine-caused. No such proof exists in the record. Accordingly, it is clear from the record that the Bahnsens have failed to demonstrate either that Sarah suffered a “Table Injury” or that her condition was “actually caused” by a vaccination.

Therefore, the only alternative remains is to DENY this petition. In the absence of a motion for review, the clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Christian J. Moran
Special Master